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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,627	07/21/2003	David S. Benco	LUTZ 2 00216	5178
7590	09/30/2005		EXAMINER	
Richard J. Minnich Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			DOAN, PHUOC HUU	
			ART UNIT	PAPER NUMBER
			2687	
DATE MAILED: 09/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,627	BENCO ET AL.	
	Examiner PHUOC H. DOAN	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 19-22 is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/21/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Haymes (US Patent No: 6,751,443)** in view of **Oh (US Patent No: 6,714,789)**.

As to claim 1, Haymes discloses a method for collecting data to identify an RF dead zone “**error rates and/or dead zones**” in a cell of a wireless network using a mobile station (col. 2, lines 20-30), the method including the steps: a) receiving position data from the mobile station at a base station associated with the cell when the mobile station is powered up and located within the cell (col. 2, lines 49-67, col. 3, lines 1-10); and c) storing the position data in an RF dead zone network “**Fig. 3**” associated with the wireless network (col. 3, lines 35-47, and col. 4, lines 20-35).

However, Haymes does not disclose that wherein the position data includes multiple coordinates indicating a location of the mobile station within the cell; b)

communicating the position data from the base station to a mobile switching center associated with the base station and the wireless network.

Oh discloses wherein the position data includes multiple coordinates indicating a location of the mobile station within the cell (Fig. 3, col. 6, lines 5-28); b) communicating the position data from the base station to a mobile switching center associated with the base station and the wireless network (col. 4, lines 18-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the position data from the base station to a mobile switching center associated with the base station as taught by Oh to the system of Haymes in order to prevent the mobile station drop the call when they moves from different location.

As to claim 2, Haymes further discloses the method as set forth in claim 1 wherein the receiving step is performed whether or not the mobile station is connected to an incoming or outgoing call (col. 2, lines 30-37).

As to claim 3, Haymes further discloses the method as set forth in claim 1 wherein steps a) through c) are periodically repeated while the mobile station is powered up and located within the cell (col. 3, lines 1-18).

As to claim 4, the combination of Haymes and Oh further disclose the method as set forth in claim 1 wherein the multiple coordinates include an X coordinate and a

Y coordinate associated with a surface area of the cell (col. 8, lines 1-10 of Oh).

As to claim 5, the combination of Haymes and Oh further disclose the method as set forth in claim 4 wherein the multiple coordinates include a Z coordinate associated with an altitude within the cell (col. 8, lines 1-10, and col. 11, lines 1-12 of Oh).

As to claim 6, Haymes further discloses the method as set forth in claim 1 wherein the RF dead zone network includes an RF dead zone database (col. 3, lines 35-45), wherein the position data is stored in step c) is stored in the the RF dead zone database (col. 4, lines 20-30).

As to claim 7, Haymes further discloses the method as set forth in claim 1 wherein the RF dead zone network further includes a data network (col. 3, lines 47-60), an RF dead zone data processor, and an output device (Fig. 3, item 370, col. 3, lines 40-50).

As to claim 8, the combination of Haymes and Oh further disclose the method as set forth in claim 1, before step a), further including: d) at the powered-up mobile station, receiving information from at least three RF transmitting devices (col. 3, lines 1-10 of Haymes); e) at the powered-up mobile station, determining the multiple coordinates forming the position data from the received information (col. 7, lines 14-27, and col. 8, lines 1-10 of Oh); and f) at the powered-up mobile

station, transmitting the position data to the base station (col. 9, lines 10-17 of Oh).

As to claim 9, the combination of Haymes and Oh further disclose the method as set forth in claim 8, before step d), further including: g) at the powered-up mobile station, receiving a pilot strength measurement message from the base station (col. 5, lines 53-60 of Oh); and h) determining that the received pilot strength measurement message is less than a predetermined threshold (col. 2, lines 49-60 of Haymes).

As to claim 10, Haymes further discloses the method as set forth in claim 1 wherein the RF transmitting devices include the base station and at least two additional base stations associated with the wireless network (col. 3, lines 1-10).

As to claim 11, Haymes further discloses the method as set forth in claim 1 wherein the RF transmitting devices include satellites associated with a global positioning system satellite constellation (Fig. 2, col. 3, lines 18-33).

As to claim 12, Haymes discloses a method for collecting data to identify an RF dead zone “**error rates and/or dead zones**” in a wireless network using a mobile station (col. 2, lines 20-30), wherein the wireless network provides wireless service to a geographic area comprised of a plurality of cells, wherein the wireless network includes a plurality of base stations corresponding to the plurality of cells (col. 3, lines 1-10), the method including the steps: a) receiving position data from the

mobile station with at least one base station of the plurality of base stations when the mobile station is powered up and located within the geographic area associated with the wireless network (col. 2, lines 49-67, and col. 3, lines 1-10); and c) storing the position data in an RF dead zone database associated with the wireless network (col. 3, lines 35-47, and col. 4, lines 20-35).

However, Haymes does not discloses wherein the position data includes multiple coordinates indicating a location of the mobile station within the wireless network; b) communicating the position data from the at least one base station to a mobile switching center associated with the at least one base station and the wireless network.

Oh discloses wherein the position data includes multiple coordinates indicating a location of the mobile station within the wireless network (Fig. 3, col. 6, lines 5-8); b) communicating the position data from the at least one base station to a mobile switching center associated with the at least one base station and the wireless network (col. 4, lines 18-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the position data from the base station to a mobile switching center associated with the base station as taught by Oh to the system of Haymes in order to prevent the mobile station drop the call when they moves from different location.

As to claim 13, the claim is rejected for the same reason as set forth in claim 2.

As to claim 14, the claim is rejected for the same reason as set forth in claim 3.

As to claim 15, the claim is rejected for the same reason as set forth in claim 8.

As to claim 16, the claim is rejected for the same reason as set forth in claim 9.

As to claim 17, the claim is rejected for the same reason as set forth in claim 4.

As to claim 18, the combination of Haymes and Oh further disclose the method as set forth in claim 17 wherein step d) includes receiving information from at least four RF transmitting devices “col. 2 through col. 3, lines 62-17 of Haymes” and the multiple coordinates include a Z coordinate associated with an altitude associated with the geographic area of the wireless network (col. 8, lines 1-10 of Oh).

Allowable Subject Matter

3. Claims 19-21 allowed.

As to claim 19, the prior art of the record in alone, or combination do not disclose method for collecting data to identify an RF dead zone in a wireless network using a plurality of mobile stations, wherein the wireless network provides wireless service to a geographic area comprised of a plurality of cells, wherein the wireless network includes a plurality of base stations corresponding to the plurality of cells, the method including the steps: at each powered-up mobile station: a) receiving a pilot strength measurement message from the base station; and b) determining that

the received pilot strength measurement message is less than a predetermined threshold. c) receiving information from at least three RF transmitting devices; d) determining the multiple coordinates forming the position data from the received information; and e) transmitting the position data to the at least one base station; at one or more base stations; f) receiving position data from each powered-up mobile station whether or not any of the powered-up mobile station is connected to an incoming or outgoing call, the one or more base stations corresponding to one or more cells in which any of the powered-up mobile stations are located, wherein the position data from each powered-up mobile station includes multiple coordinates indicating a location of the powered-up mobile station within the wireless network; and g) communicating the position data to one or more mobile switching centers associated with the one or more base stations and the wireless network; and at one or more mobile switching centers; h) storing the position data received from the one or more base stations in an RF dead zone database associated with the wireless network.

Dependent claims 20-22 are allowed for the same reason.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Leeuwen (US Patent No: 6,597,906) discloses "Mobile client-based station communication based on relative geographical position information".

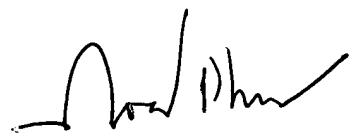
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G. KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Phuoc Doan
09/17/05



9128105
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER